

INSPECTION REPORT

for

RCRA Subtitle C

at

CMS GILBRETH PACKAGING SYSTEMS, INC.

3001 State Road

Croydon, PA 19021

PAD#981103617

Large Quantity Generator

Inspection Date

January 22, 2008

Kenneth J. Cox

Waste and Chemicals Management Division

February 25, 2008

CMS Gilbreth Packaging Systems, Inc.
Croydon, PA 19021
January 22, 2008

PAD981103617

Inspectors:

Kenneth J. Cox - USEPA (215-814-3441)
Alex Page - PADEP (484-250-5766)

Facility Representative:

Joel Spade, EH & S Coordinator, Contractor (215-826-2473)
Heather Hennessay, EH & S Manager (Not Present)

Background

CMS Gilbreth Packing Systems, Inc. (Gilbreth or the facility) notified as a large quantity generator of hazardous waste, primarily spent solvents, solvent inks, and solvent residues. The facility is a printer of plastic labeling sleeves. The purpose of the inspection was to evaluate the facility's compliance with the Resource Conservation and Recovery Act (RCRA). It was selected for inspection by EPA's RCRA Compliance and Enforcement Program and put on the FY08 inspection plan. The inspection was unannounced and was conducted jointly with the Pennsylvania Department of Environmental Protection (PADEP).

Opening Conference

The inspectors entered the facility shortly after 9:00 AM. We were met by Mr. Spade, H & S Coordinator at the facility. We then proceeded to a conference room where credentials were shown and the purpose of the inspection was discussed. Mr. Spade explained that he is a former employee of Gilbreth that retired for health reasons and subsequently returned on a part time basis as a contractor.

Gilbreth prints only shrink wrap sleeves for products such as Chap Stick and beverage bottles (Photo #4), a process that the facility developed. No packaging is done at Gilbreth. The facility is in a 100,600 square foot building located on 6.6 acres in a light industrial area north of Croydon, PA. Gilbreth currently employees 77 people who work two shift four day a week

Waste Generation

Gilbreth generates solvent based ink wastes from their printing operations and solvents from the resulting clean up after each run. Hazardous waste is manifested under codes D001,

D035, F003, and F005.

The facility uses two Crystal Clean parts washers (Photo #3) whose solvent is removed before totally spent and is part of Crystal Clean's "continued use" process.

Gilbreth has a thermal oxidizer that removes fugitive solvent vapors.

Observations

During a tour of the facility led by Mr. Spade the following observations were made:

Large roles of clear plastic film (Photo #1) two to three thousandth of an inch thick are used to print the labels. Slitting to width and forming the sleeves are done after printing, neither of which generates a hazardous waste.

Three separate printing lines are located in two part of the plant. The presses shown in Photo #2 are the older presses while the newer one in Photo #10 currently does the majority of the printing. Waste solvents are stored on a short term basis near the press areas (Photos #5 & #11). All containers were closed, labeled, and dated.

A large automated washer (Photo #6) is used to clean ink trays and other removable parts from the printers. The unit is hard piped to the solvent recover still (Photo #7). The still also receives solvent waste in drums from the press areas.

Spent fluorescent bulbs are stored for recycling as universal waste. Three open containers of spent bulbs were observed (Photo #8), none were labeled or dated.

Drums of hazardous waste to be shipped for disposal are placed in an outdoor storage container that provided secondary containment and a fire suppressant system. All of the drums were close, labeled, and dated. One of the containers had a hazardous waste label whose lettering was obscured by spilled ink.

The inspectors next visited the on site photo lab. Photographic waste is recycled for its silver content. The only other waste generated in this location is aerosol cans. In response to my question about the disposal of aerosol cans, Mr. Spade said that all can are put in the trash.

Records Review

After the plant tour the inspectors went back to the conference room to review files. The following observations were made:

TRAINING - Training is provided by on the job training and an online web based platform by a company named Eduwhere. The facility training plan is the outline of the training by Eduwhere. At the time of the inspection, no training certificate could be produced for

calendar year 2007. Mr. Spade named three people who manage hazardous waste and who must take annual training: Nick Cimorelli, Maintenance Supervisor; Kevin Yates, Maintenance Technician; and himself, the EH & S Coordinator. Training certificates for 2006 were the most recent that could be produced. Gilbreth does not keep job titles or job description for employees who manage hazardous waste.

INSPECTIONS – The facility keeps detailed records of inspections of the drum storage area. No discrepancies were observed.

MANIFESTS - A review of 2 years manifests and LDR forms was made. Everything was complete.

CONTINGENCY PLAN – Gilbreth's Contingency Plan is a large document that was reviewed for compliance with RCRA regulations. The only discrepancy noted was that the emergency coordinators' home addresses and telephone numbers were not included in the document.

Exit Conference

A brief exit conference was held with Mr. Spade. The following areas of concern discussed were:

1. Annual refresher training must be done at least once every calendar year and documented.
2. Training records must include job title and job description for all employees that manage hazardous waste.
3. Aerosol cans must be evaluated as a potential hazardous waste and managed accordingly.
4. Universal waste lamps must be kept closed, labeled, and dated.
5. The label on one drum in the storage area was covered with spilled ink.
6. The Contingency Plan for the facility did not list the home addresses and home phone numbers for the emergency coordinators.

NOTE: Subsequent to the inspection Mr. Spade wrote a letter documenting steps the facility took to correct some of the concerns discussed in the exit conference.



Photo #1 - Stock of clear plastic film used for labels



Photo #2 - Two of the printing presses used for label making. Each segment applies a different color to the plastic film.



Photo #3 - Drum of waste water based ink dated 11/21/07. On the right is a Crystal Clean parts washer which contain solvent that will be reused.

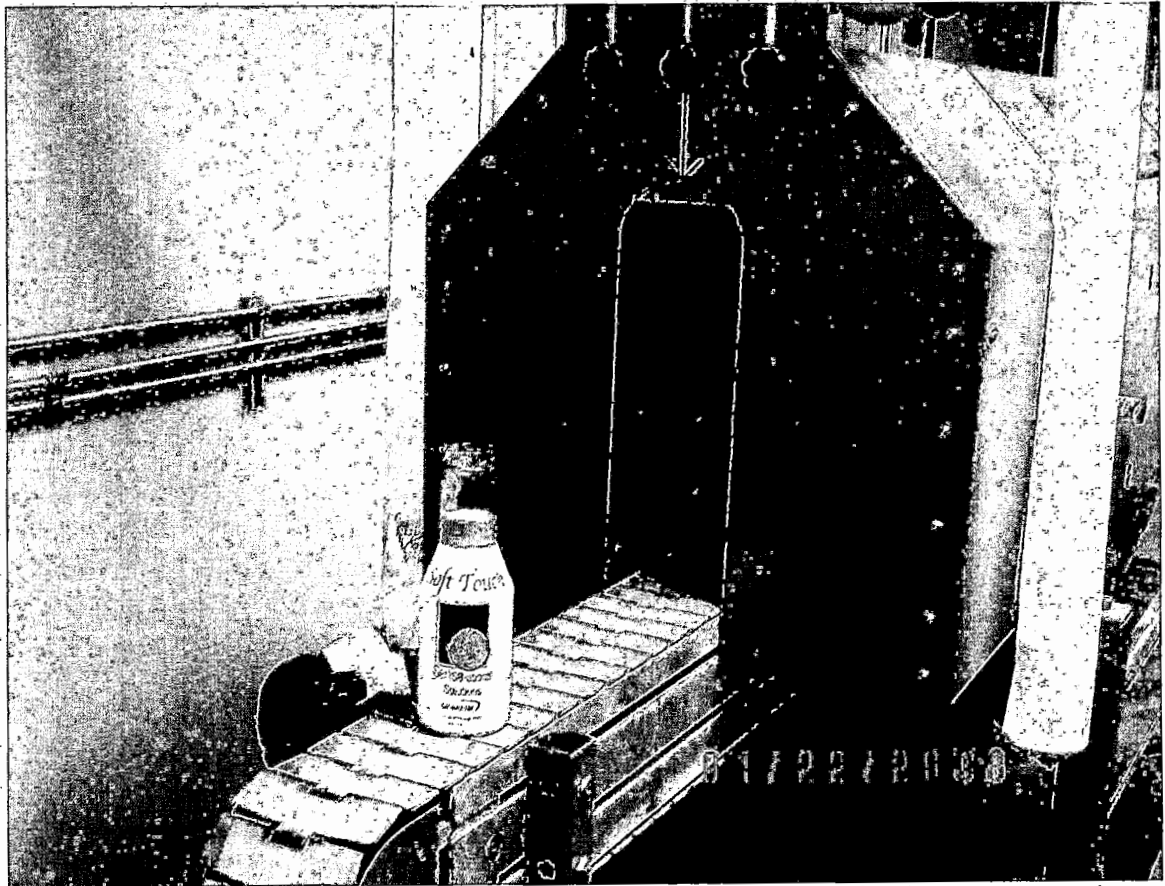


Photo #4 - The bottle is a typical product use for Gilbreth's shrink labels. This photo was taken in the QC and R&D area where the conveyor takes the product through the oven which causes the label to shrink to the bottle shape.



Photo #5 - Solvent waste drum dated 1/10108



Photo #6 - Ink washer — a large automatic washer for printer parts. The unit is hard piped to a solvent recycler in the same room (Photo #7).

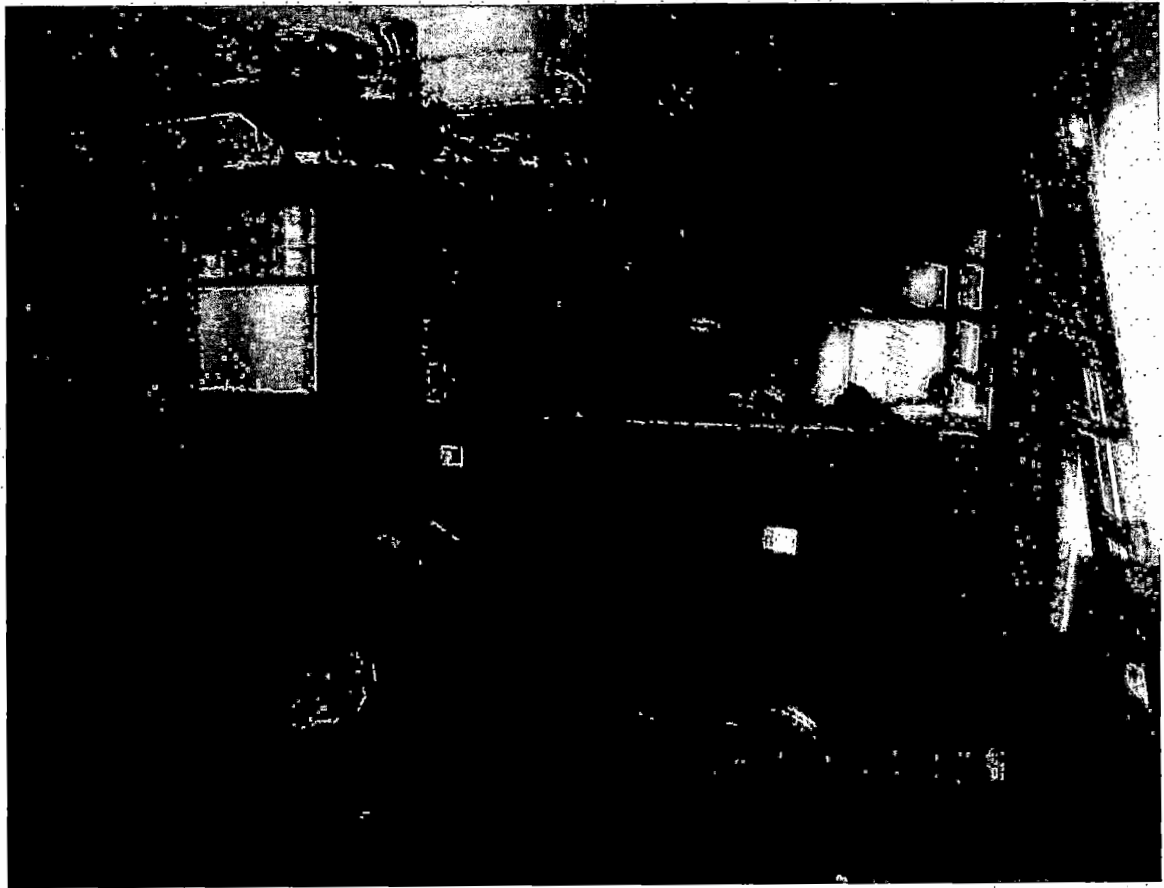


Photo #7 - Solvent still used to recycle spent solvent. Wastes are both hard piped to the unit and brought to the unit in drums.

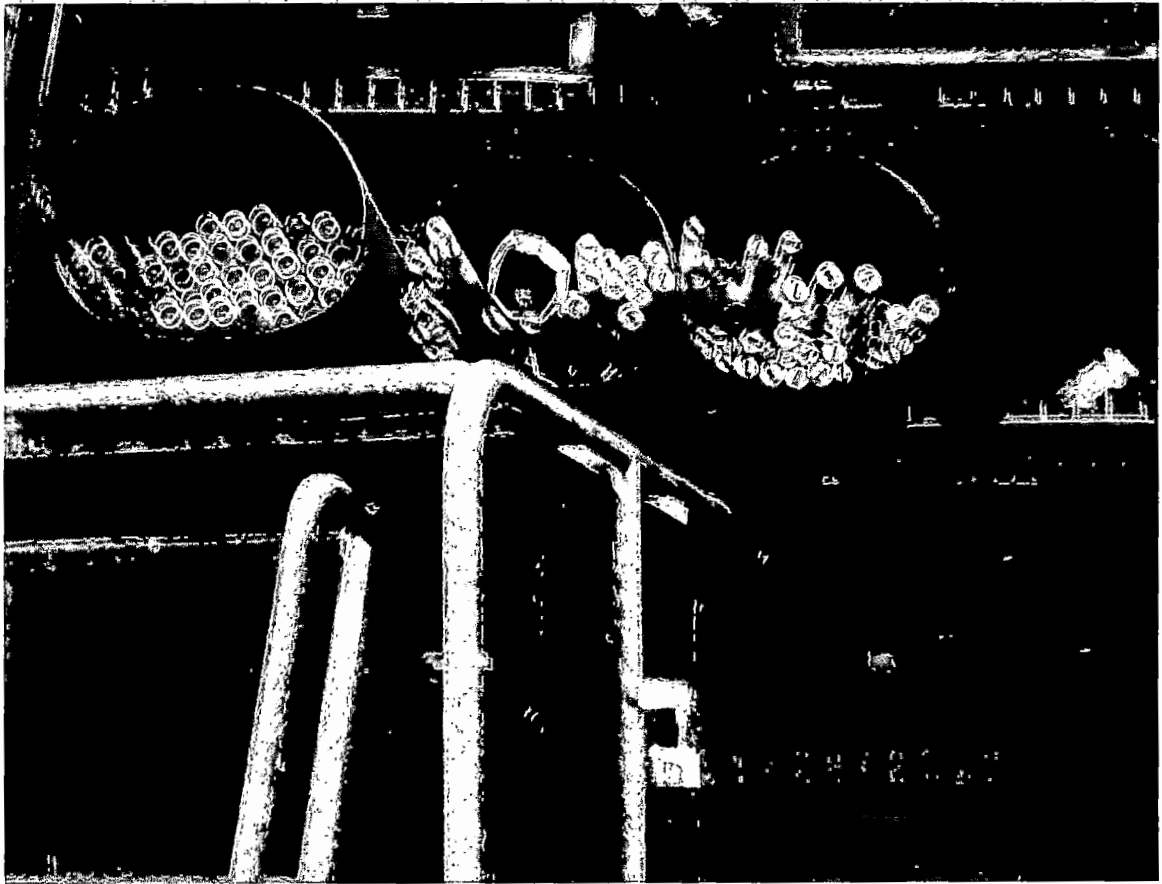


Photo #8 - Spent bulbs in storage. All containers were open, none were labeled, and none were dated.

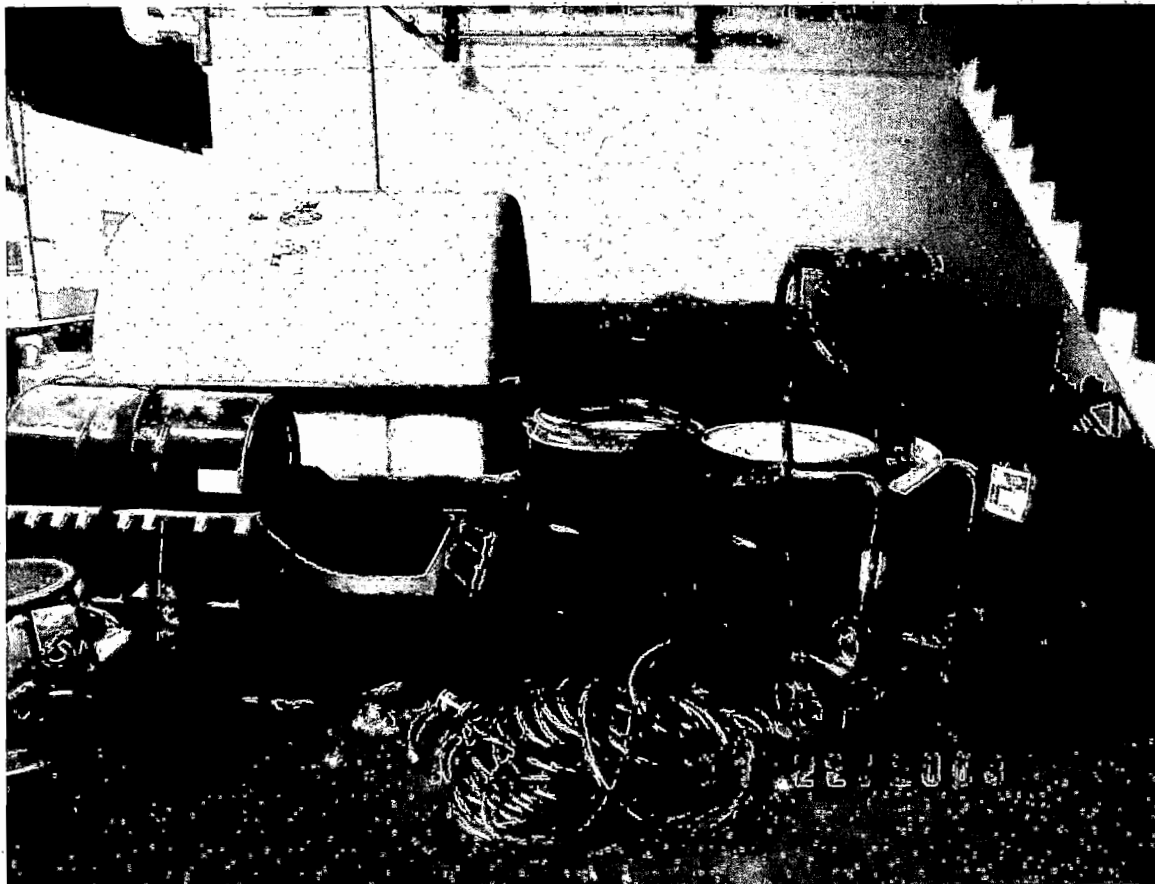


Photo #9 - Storage area for photo processing waste which is sent for silver recovery.

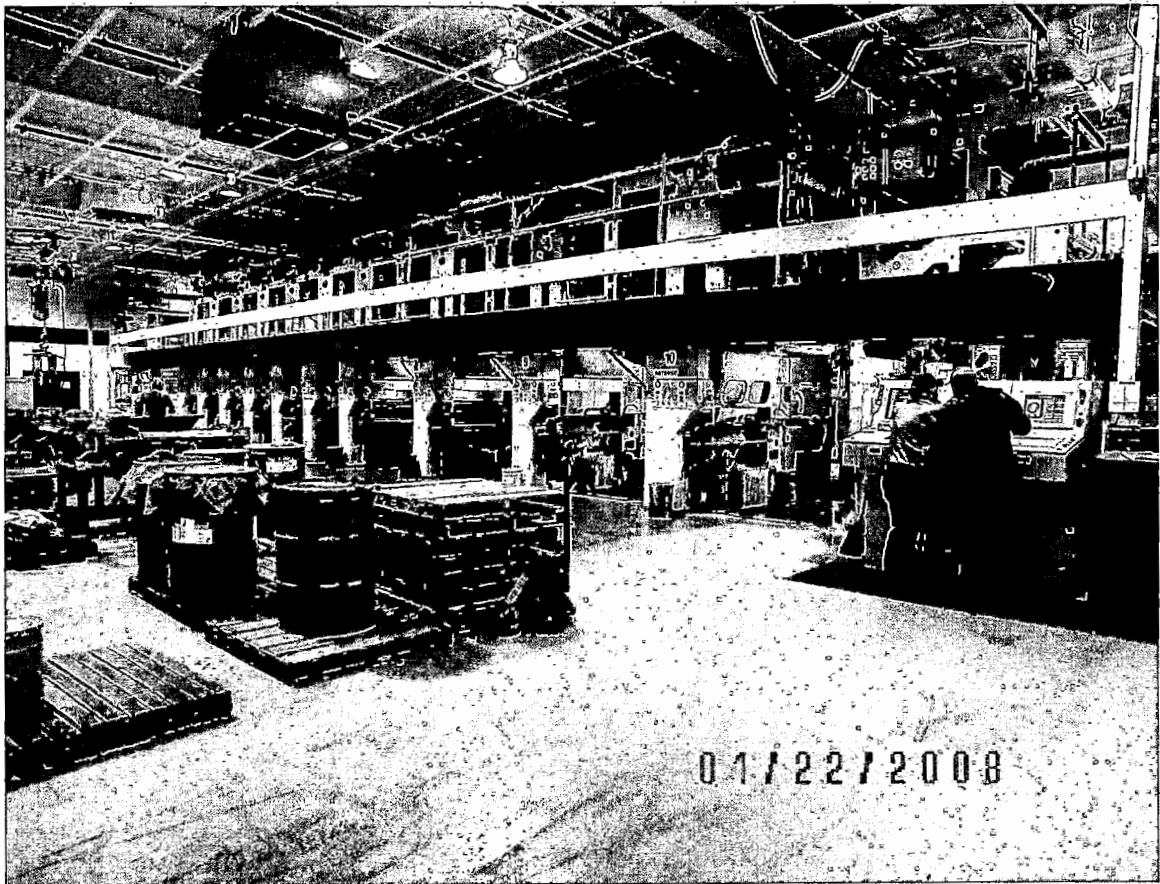


Photo #10 - Primary printing press which print the majority of labels at the facility.



Photo #11 - Waste drums new printing press. All drums were labeled, dated, and closed.



Photo #12 - Outdoor storage container for hazardous waste. A drums were labeled, dated, and closed. The drum in the front center was labeled, but the information was obscured by spilled ink. The oldest date was 11/19/07. The container has a fire suppressant system and secondary containment built in.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA FEDEX

APR 08 2008

Heather Hennessay
EHS Manager
CMS Gilbreth Packaging Systems, Inc.
3001 State Road
Croydon, PA 19021

**Re: Notice of Violation
Compliance Evaluation Inspection
January 22, 2008
EPA ID No. PAD981103617**

Docket Number: R3-08-NOV-RCRA-14

Dear Ms.Hennessay:

On January 22, 2008, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Pennsylvania Solid Waste Management Act (SWMA), as amended, 35 P.S. §§6018.101 - 6018.1003, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. of your facility. Based on that inspection and/or review of other pertinent information, EPA has determined that CMS Gilbreth Packaging Systems, Inc ("Gilbreth" or "the facility") is violating regulations promulgated under the Pennsylvania SWMA and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation is:

1. Boxes (3) containing fluorescent bulbs being managed under universal waste regulations were observed (Photo #8) to be unlabeled, undated, and open at the time of the inspection. 25 PA §266b as reference to: 40 CFR §273.14(e) requires containers marked clearly as "Universal Waste - Lamps" or "Waste Lamps" or "Used Lamps", 40 CFR §273.15(c)(1) require "marking or labeling containers with the earliest date that universal waste was placed in the containers, and 40 CFR §273.13(d)(1) requires containers must remain closed.
2. Gilbreth did not require or provide annual review of hazardous waste training for their employees as required by 25 PA §265a as reference to 40 CFR §265.16(c).
3. Gilbreth did not maintain the following training records for employees: job titles for each position related to hazardous waste management, written job description for each position, written description of the type and amount of training for position, and records document the training was given as required by 25 PA §265a as reference to 40 CFR §265.16(d).

4. The facility's Contingency Plan did not list the "addresses and phone numbers (both office and home) of all persons qualified to act as emergency coordinator" as required by 25 PA §265a as referenced to 40 CFR §265.51(d).
5. Gilbreth had not made a hazardous waste determination for aerosol can as required by 25 PA §262a as referenced to 40 CFR §262.11.
6. The inspector observed a drum of hazardous waste in storage had the label and the information thereon covered by spilled ink (Photo #12) in violation of 25 PA §262a as referenced to 40 CFR §262.34(a)(2&3).

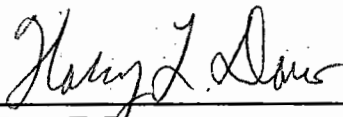
A copy of the Inspection Report, documenting the findings of the inspector, is enclosed for your information.

Within twenty (20) calendar days of the receipt of this NOV, please submit documentation of any measures the facility has taken or is taking to achieve compliance with the violations and/or area of concern noted above. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$32,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. The response to this NOV shall be addressed to:

Kenneth J. Cox
U.S. Environmental Protection Agency - Region III
RCRA Compliance and Enforcement Branch (3WC31)
1650 Arch Street
Philadelphia, Pennsylvania 19103



Harry T. Daw
Associate Director
Office of Enforcement and OPPTS Programs
Waste and Chemicals Management Division

4/4/2008
Date

Enclosure

cc: R. Shipman, PADEP w/o enc.
K. Cox, 3WC31 w/o enc.
T. DiFiore, 3WC31 w/o enc.

CONCURRENCES

SYMBOL	▶ 3WC31	3WC31						
SURNAME	▶ K. COX	C. AMEND						
DATE	▶ 3/31/08	3/4/08						

February 18th, 2008

Mr. Kenneth J. Cox, Environmental Engineer
EPA Region III; Waste & Chemicals Management Div.
1650 Arch Street 3WC 31
Philadelphia, PA 19103-2029

Dear Mr. Cox

This is intended as a formal response to the concerns reflected in the notes made in your Audit of 01/22/08 (you graciously allowed me to copy your notes during our closeout conference). You were accompanied in this Audit by Mr. Alex Page of the Waste Management Section of the Pennsylvania Department of Environmental Protection. Mr. Page has been our caseworker (and a valuable mentor) for several years.

As you are aware, CMS Gilbreth, Inc., is a rotogravure solvent-ink printing plant, a large-quantity generator of hazardous (ignitable) wastes, and a Title V Air Emissions Permit holder.

The handwritten notes (copy attached) which you recorded during the Audit, represented four items for which we needed to accomplish a timely response, and these items and their current status, are as follows:

The first item, the need for updating (refresher) training in Hazardous Waste Management for four employees whose responsibilities include the supervision of and handling of such materials, has begun, and will be fully completed within the next few weeks; we have chosen to expand the use of an online programmed learning course from Eduwhere, Inc. and two Certificates of successful course completion are attached, as well as a copy of our Purchase Order to obtain access to the necessary course materials for four additional employees (Mr. Spade, who is an independent contractor and funds his own training requirements is not mentioned in the P.O. for that reason; his Certificate is attached). The employees who were mentioned in our discussion as needing updating were; Mr. Cimorelli (his Certificate is attached), Mr. Brian Garnett, Mrs. Elaine Slook, Mr. Michael Tschopp, and Mr. Joseph Black. Copies of their Certificates will be forwarded for your files as soon as they are available.

The second item; waste determination and handling of spent aerosol containers has been pursued; we have now instituted the practice of removing the nozzles as soon as the container is empty (thereby de-pressurizing), then crushing in a compactor.

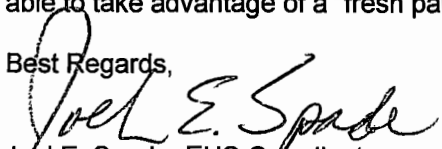
The third item; the use of "Universal Waste" storage and shipping labels for containers of spent fluorescent tubes and spent batteries has also begun (see attached photograph of shipment of such containers which occurred in the week following your visit; the containers will be kept closed with the Universal Waste label attached). In the shipment which we photographed we "cleaned the place out" and it will take a few weeks before accumulation begins again.

The fourth item in your notes, dealing with a hazwaste drum label that was partially obscured by solidified ink drippings, was remediated within a day (see second photograph, attached, of that drum), and that drum also, has now been manifested and shipped for disposal.

It was also noted that the copy of the Pennsylvania Preparedness & Contingency Plan which was supplied for your perusal did not contain a sheet with home address information for the company's "call-in first responders" (Mr. Page mentioned his notation of that item in a previous Audit, and Mr. Spade agreed); this particular page has now been replaced (copy attached) and, going forward, its presence will be verified occasionally (that particular copy of the PPC Plan is available to everyone in the building to extract copies from, and sometimes a user will forget to return the original page). Paragraphs have been added to that page to describe the job functions of each person relative to the overall waste management program.

Mr. Cox, we appreciate your comments on the various aspects of the plant which you offered during your visit; we are often able to take advantage of a "fresh pair of eyes" to make this facility a better plant, and yours was such a visit.

Best Regards,


Joel E. Spade, EHS Coordinator
CMS Gilbreth Packaging Systems, Inc.

xc: Alex Page: PA-D.E.P. (w/attachments)

On Time. First Time. Every Time.

Exit Training needs to be done for
3 employees
Job description

Aerosol waste determinator

Universal Lamps - open unlabeled units

~~Silver container need the label~~

One label in storage was unreadable

PPC need addresses

CERTIFICATE OF COMPLETION

This certificate awarded to

Nick Cimorelli

for satisfactory participation in

RCRA Hazardous Waste Management for Generators
Online Training

Awarded on January 23, 2008.



Eduwhere
Your compliance connection.

Joni White

Eduwhere

Eduwhere • PO Box 4704 • Chapel Hill, NC 27515 • www.eduwhere.com

CERTIFICATE OF COMPLETION

This certificate awarded to

Joel Spade

for satisfactory participation in

**RCRA Hazardous Waste Management for Generators
Online Training**

Awarded on February 15, 2008.



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Your compliance connection.

Joni White

Eduwhere

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GILBRETH

3001 State Road • Croydon, PA 19021
(215) 785-3350
Fax (215) 785-1117

P/O DATE	P/O NUMBER	PAGE	CHANGE/C
02/18/08	016022	1	

ORDERED
FROM

KEIKA VENTURES LLC
PO BOX 4704
CHAPEL HILL NC 27515

SHIP
TO

GILBRETH
3001 STATE ROAD
CROYDON PA 19021

BUYER		TERMS		VENDOR REFERENCE NUMBER		FOB		SHIP VIA	
Wanda Coulton		30 days				ORIGIN		BEST WAY	
LINE NUMBER	QUANTITY ORDERED BLANKET TYPE	U/M	OUR ITEM NUMBER DESCRIPTION / COMMENTS	YOUR ITEM NUMBER		PRICE / UNIT REQUESTED DATE		EXTENDED PRICE	
1	4	EAC	TRAINING-FINISHING PROVIDE LOG IN CODES COURSE ACCESS AND COMPLETION CERTIFICATES FOR 4 PERSONS: BRIAN GARNETT, MICHAEL TSCHOPE, ELAINE STOOK AND JOE BLACK FOR THE INTERACTIVE COURSE: RERA HAZARDOUS WASTE MANAGEMENT FOR GENERATORS. JOEL SPADE Rec'd hrs Mon-Thur 6am-12pm & 1pm- 2:30pm no del on Fri except by appt. Call 215-785-3350 to sched a appt. All del, must go to rec'd. *** CONFIRMING DO NOT DUPLICATE *** PO NUMBER MUST APPEAR ON ALL PAPERWORK TO ASSURE PROPER PAYMENT ***** THANK YOU WANDA COULTON PHONE# 215-826-2497 FAX# 215-785-1117			99.000		396.00	

Approved
2/18/08
Wanda Coulton

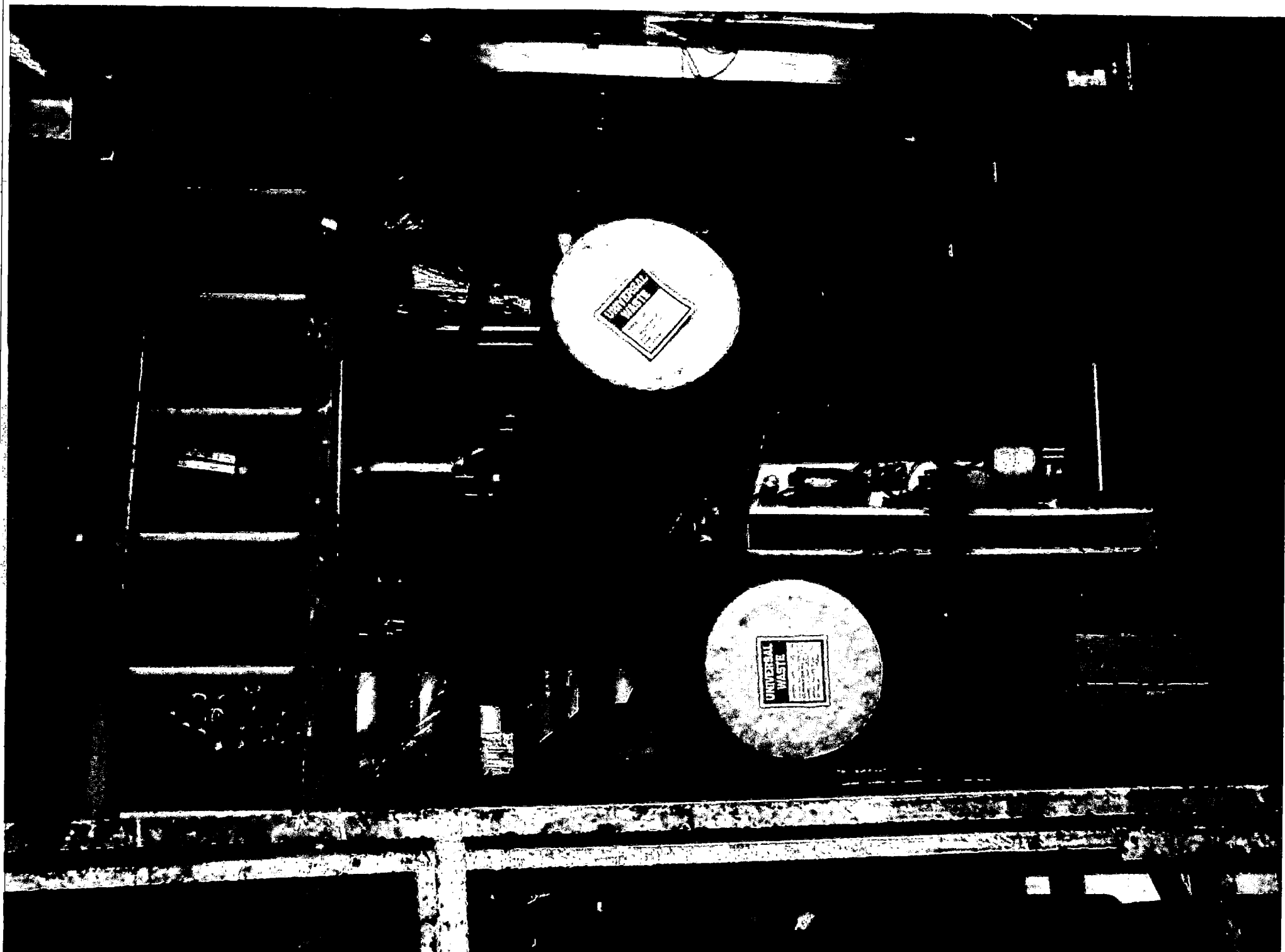
TOTAL EXTENDED PRICE

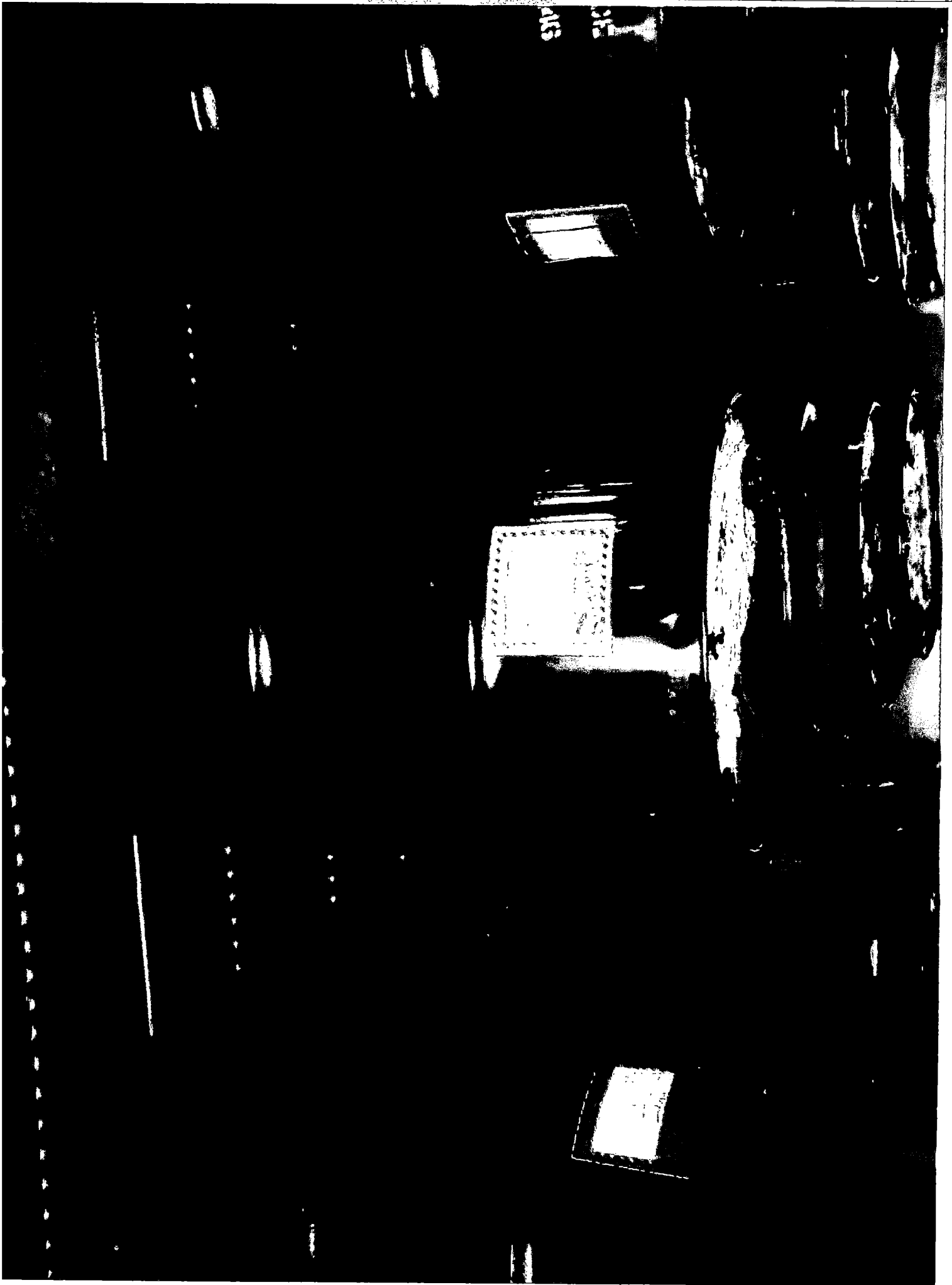
396.00

COMMENTS

ORDERED BY

Wanda Coulton 2/18/08





CONTINGENCY (PA-PPC) PLAN

APPENDIX L

EMERGENCY CONTACT LIST

NAME / TITLE	Plant Phone #	Home Phone #	Home Address
1) Nick Cimorelli (Maint. Supervisor)	ext. 2402	(b) (6)	(b) [REDACTED]
2) Brian Garnett Manufacturing Mgr.)	ext. 2443	(b) (6)	(b) [REDACTED]
3) Elaine Slook (Production Mgr.)	ext. 2406	(b) (6)	(b) [REDACTED]
4) Joel Spade (EHS Coordinator)	ext. 2473	(b) (6)	(b) [REDACTED]

POSITION VS. AREA OF RESPONSIBILITY

MAINTENANCE SUPERVISOR: manage hands-on spill cleanups, plant utilities outages, repair of equipment, materials identification and movement, emergency drum labeling and similar tasks, (HazWaste trained).

MANUFACTURING MANAGER: manage equipment shutdowns and startups, provides utility workers, emergency materials identification and labeling, and similar tasks (HazWaste trained).

PRODUCTION MANAGER: provides materials identifications, manages call-in of off-site staff, emergency drum labeling, and similar tasks (HazWaste trained).

EHS COORDINATOR: accomplishes emergency notifications to regulatory agencies, waste identification and labeling, manages waste disposal shipping and records-keeping (HazWaste trained).

Note: all positions indicated above can function as first responders and site emergency coordinators.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1350 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Rick Shipman, Chief
Division of Hazardous Waste Management
Department of Environmental Protection
Rachel Carson Building
P.O. Box 8471
Harrisburg, PA 17105-8471

March 11, 2008

RE: RCRA Notice of Violation
CMS Gilbreth Packaging Systems, Inc.
PAD981103617

Dear Mr. Shipman:

The U.S. Environmental Protection Agency Region III is pursuing the issuance of a Notice of Violation (NOV) to CMS Gilbreth Packaging Systems, Inc. in Croydon, PA pursuant to the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984. The NOV will address violations of RCRA Subtitle C.

I appreciate your cooperation in this matter and look forward to your continued efforts toward a successful enforcement program. Should you have any questions regarding this matter, please contact me at (215) 814-5430 or Ken Cox at (215) 814-3441.

Sincerely,

A handwritten signature in cursive script that reads "Carol Amend".

Carol Amend, Chief
RCRA Compliance and Enforcement Branch

cc:  K. Cox, 3WC31

April 28th, 2008

Mr. Kenneth J. Cox, Environmental Engineer
EPA Region III; Waste & Chemicals Management Div.
1650 Arch Street 3WC 31
Philadelphia, PA 19103-2029

Dear Mr. Cox

This is intended as a formal response to the concerns reflected in the N.O.V. (docket number R3-08-NOV-RCRA-14) dated 04/08/08, received here on 04/09/08.

This communication will be both faxed, and sent Certified Mail (containing original photographs). This is a final addendum (contingent upon your review), of our earlier communication dated 02/18/08 which dealt with most of our required upgrades.

Enclosed as attachments to this note are several copies of recently received completion Certificates for training in Hazardous Waste Management, of several additional employees (we now have a more comprehensive group of employees trained than any time in the past), and photographs of our recently acquired aerosol can disposal fixture, as it has been installed on a 30 gallon reception drum. We had, immediately after your visit, established a process for pulling off the plastic nozzles to de-pressurize these aerosols, followed by crushing them; but this proved to be too "messy" for the individuals accomplishing the task (particularly in the case of paints), hence the purchase of the rig you see in the photographs. You will also note the way in which the reception drum is labeled for these items; once emptied, punctured, and crushed, they are no longer a hazardous waste, so we are using a Universal Waste label on the receiving container. The shipment of these drums will, of course, be a Manifested event.

Mr. Cox, we believe we have responded fully to the requirements designated in the N.O.V., but if, after review of this note and the attachments thereto, you can recognize that we have any additional items to pursue, we would appreciate your call (I can be reached, 24/7, at 215-208-2663). I thank you again for your help in our understanding of these requirements, and will add them to my list of in-house "audit points" and will take responsibility for keeping them in place.

We look forward to your next visit, be it with PA-DEP (Mr. Alex Page), or as your own confirming Re-Inspection.

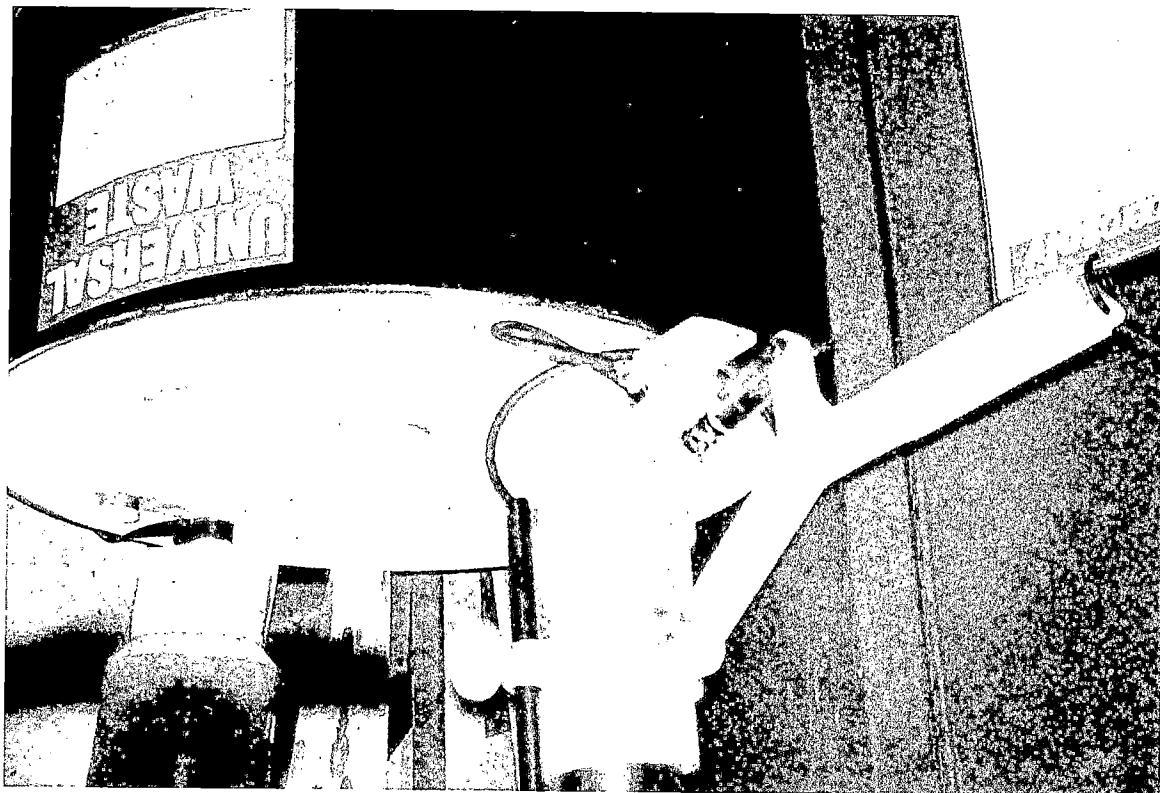
Best Regards,

Joel E. Spade
Joel E. Spade, EHS Coordinator
CMS Gilbreth Packaging Systems, Inc.

xc: Alex Page: PA-D.E.P. (w/attachments)

*I called Mr Spade 5/2/08 to tell
him the drum picture needed to be labeled
HW not Universal Waste*
APC

On Time. First Time. Every Time.



CERTIFICATE OF COMPLETION

This certificate awarded to

Brian Garnett

for satisfactory participation in the online course

RCRA Hazardous Waste Management for Generators

Awarded on Mar 5, 2008.



Eduwhere
Your compliance connection.

Elizabeth M.
Eduwhere

Eduwhere • PO Box 4704 • Chapel Hill, NC 27515 • www.eduwhere.com • (919) 933-9569

CERTIFICATE OF COMPLETION

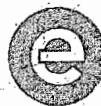
This certificate awarded to

Michael Tschopp

for satisfactory participation in the online course

RCRA Hazardous Waste Management for Generators

Awarded on Mar 6, 2008.



Eduwhere
Your compliance connection.

Elizabeth M.
Eduwhere

Eduwhere • PO Box 4704 • Chapel Hill, NC 27515 • www.eduwhere.com • (919) 933-9569

CERTIFICATE OF COMPLETION

This certificate awarded to

Joe Black

for satisfactory participation in the online course

**RCRA Hazardous Waste Management for
Generators**

Awarded on Feb 25, 2008.



Eduwhere
Your compliance connection.

Eduwhere • PO Box 4704 • Chapel Hill, NC 27515 • www.eduwhere.com • (919) 933-9569


Eduwhere

CERTIFICATE OF COMPLETION

This certificate awarded to

Elaine Slook

for satisfactory participation in the online course

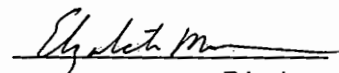
**RCRA Hazardous Waste Management for
Generators**

Awarded on Mar 6, 2008.



Eduwhere
Your compliance connection.

Eduwhere • PO Box 4704 • Chapel Hill, NC 27515 • www.eduwhere.com • (919) 933-9569


Eduwhere

CERTIFICATE OF COMPLETION

This certificate awarded to

Kevin Yates

for satisfactory participation in

**RCRA Hazardous Waste Management for Generators
Online Training**

Awarded on April 18, 2008.



Eduwhere
Your compliance connection.

Joni White

Eduwhere

Eduwhere • PO Box 4704 • Chapel Hill, NC 27515 • www.eduwhere.com